

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ARTHUR BELL,

Petitioner,

Case Number: 2:06-CV-15086

v.

HONORABLE ARTHUR J. TARNOW

CAROL HOWES,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION TO RE-OPEN
FEDERAL HABEAS CORPUS PROCEEDINGS, DIRECTING CLERK OF
COURT TO REOPEN CASE, AND REQUIRING RESPONSIVE PLEADING**

This is a habeas corpus proceeding under 28 U.S.C. § 2254. The matter has been stayed and the case administratively closed since December 29, 2008, to allow Petitioner Arthur Bell to return to state court to exhaust a newly-discovered, unexhausted claim. Now before the Court is Petitioner's Motion to Re-Open Federal Habeas Corpus Proceedings.

In his Motion to Reopen, Petitioner states that he has now exhausted his state court remedies by completing collateral review in state court. He filed a motion for relief from judgment in the trial court, which was denied. *People v. Bell*, No. 89-003844 (Wayne County Circuit Court May 7, 2009). He filed an application for leave to appeal in the Michigan Court of Appeals, which was denied. *People v. Bell*, No. 292248 (Mich. Ct. App. Sept. 3, 2009). Petitioner next filed an application for leave to appeal in the Michigan Supreme Court, which was denied on February 26, 2010. *People v. Bell*, 778 N.W.2d 225 (Mich. 2010). Petitioner then filed the pending Motion to Reopen.

Petitioner has now exhausted his state court remedies with respect to the previously unexhausted claim. The Court, therefore, will grant the Motion to Reopen.

For the forgoing reasons, **IT IS ORDERED** that Petitioner's Motion to Reopen is **GRANTED** and the Clerk of Court is directed to **REOPEN** this matter.

IT IS FURTHER ORDERED that Respondent file an answer responding to the allegations of the petition in accordance with Rule 5, Rules Governing Section 2254 Cases within **THIRTY DAYS** from the date of this Order.

S/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: April 14, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 14, 2010, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary